

Remarks

Claims 1-13 were pending in the present application, and claims 1-5, 7, 10 and 11 were rejected. Claim 4 has been amended, and new claims 14 and 15 have been added to the application.

Support for the amendments to claim 4 can be found, *inter alia*, in paragraph [0084] of the present application. Support for new claims 14 and 15 can be found in paragraph [0077] of this application. No new matter has been added by these amendments, and entry of these amendments is therefore respectfully requested.

Applicant gratefully acknowledges the Examiner's determination that claims 6, 8, 9, 12, and 13 would be allowable if rewritten in independent form. In view of the amendments made herein and Applicant's comments below, the Applicant respectfully requests reconsideration of claims 1-5, 7, 10 and 11, and consideration of new claims 14 and 15.

Rejection under 35 U.S.C. § 102 (b)

Claim 4 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,421,343 to Feng. Feng, however, fails to disclose a system in which the electroencephalogram parameters of an acquisition unit are controllable by electroencephalogram readers via a communications network, as claimed in amended claim 4. In the system of Feng, an electroencephalogram (EEG) obtained from a patient is saved "in a hardisk or floppydisk on ... computers" and then transferred through a computer network to a diagnostic center (Feng, column 4, lines 42-59). The EEG is then processed, resulting in "the diagnosis of the patients," and the results are "transferred to customers' computers" (Feng, column 5, lines 1-9). The role of EEG readers in the Feng system is thus limited to reviewing EEG data collected by an EEG operator and then determining a diagnosis based on such data.

The system of claim 4, by contrast, allows EEG readers remote from a patient to change, for example, the EEG acquisition unit's display settings while an EEG is being obtained. This has great advantages in emergency situations, where a highly skilled EEG operator may not be immediately available in the vicinity of an injured patient. The presently claimed system is therefore neither anticipated nor made obvious by the system disclosed in the Feng patent.

In view of the foregoing, Applicant respectfully requests that the rejection of claim 4 under 35 U.S.C. § 102(b) be withdrawn.

Rejection under 35 U.S.C. § 101 for Double Patenting

Claims 1-5, 7, 10 and 11 were rejected under 35 U.S.C. § 101 as claiming the same invention as claims 15-22 of U.S. Patent No. 6,510,340 (a statutory double patenting rejection). In order to address this rejection, the Applicant has submitted a Request for Certificate of Correction in U.S. Patent No. 6,510,340 requesting that claims 15-22 of this patent be deleted. A copy of the Request for Certificate of Correction is enclosed herewith.

The Applicant fully expects the Request for Certificate of Correction filed in U.S. Patent No. 6,510,340 to be granted. Upon such grant, the present rejection of claims 1-5, 7, 10 and 11 under 35 U.S.C. § 101 will become moot.

In view of the foregoing, Applicant respectfully requests that the rejection of claims 1-5, 7, 10 and 11 under 35 U.S.C. § 101 be held in abeyance until a decision is rendered in U.S. Patent No. 6,510,340 on the Request for Certificate of Correction filed by the Applicant. Should Applicant's Request for Certificate of Correction be granted, Applicant further requests that the present rejection of claims 1-5, 7, 10 and 11 under 35 U.S.C. § 101 be withdrawn.

Should the Examiner consider the foregoing an insufficient reply to the rejection of claims 1-5, 7, 10 and 11 under 35 U.S.C. § 101, Applicant requests that the Examiner cancel claims 1-5, 7, 10 and 11 rather than allow the present application to risk going abandoned pursuant to MPEP 711.02 (a). However, in this event Applicant respectfully reserves the right to reintroduce claims 1-5, 7, 10 and 11 upon the granting of Applicant's Request for Certificate of Correction in U.S. Patent No. 6,510,340.

New Claims 14 and 15

New claims 14 and 15 recite a system for electroencephalography which includes a communications network that operates on a one-to-many or many-to-many relationship between EEG acquisition units and EEG readers. U.S. Patent No. 5,421,343 to Feng describes only one-to-one communication between a patient and a diagnostic center (see, e.g., Figure 1 of the Feng patent). In such a communication environment, an EEG may end up in line behind other EEG's sent to the single diagnostic center. By contrast, in a one-to-many communication relationship, multiple readers can be in communication with an individual EEG operator, thus decreasing the potential for delay in obtaining an EEG reading. New claims 14 and 15 therefore are neither anticipated nor made obvious by the prior art of record.

Conclusion

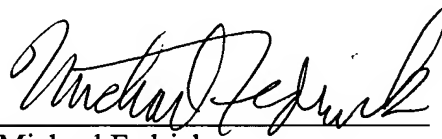
Applicant believes it has adequately addressed the issues raised in the Office Action dated April 6, 2004, and upon grant of the Request for Certificate of Correction in U.S. Patent No. 6,510,340 believes that all pending claims will be allowable. If there remain any issues in this case which can be addressed by telephone, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

SHELDON & MAK

Date: August 6, 2004 _____

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